

REMARKS

Claim Amendments

Applicants have amended claims 1, 7, and 13. Specifically, Applicants amended the claims by adding the phrase “wherein each user metric represents an indication of a dynamic change in a user’s physical condition in response to an external stimulus, wherein the user is a person” after the phrase “creating a user metric vector comprising a plurality of disparate user metrics.” Applicants also amended the claims by adding the phrase “wherein the action administers a device to alter the user’s physical condition in response to the external stimulus” after the phrase “identifying an action in dependence upon the user metric vector.” Support for these amendments may be found in the original specification as follows: page 1, lines 23-27, page 17, lines 4-19, page 18, lines 11-22, and Figures 1, 5, and 9. In amending claims 1, 7, and 13, Applicants are not conceding in this application that claims 1, 7, and 13 are not patentable over the art cited by the Examiner without the amendments in this paper. Rather, the present claim amendments are only for facilitating expeditious prosecution of the present case. Applicants respectfully reserve the right to pursue these and other claims in one or more continuations or divisional patent applications. Applicants respectfully submit that these amendments do not introduce any new matter into the present application and request that the amendments be entered.

Claim Rejections – 35 U.S.C. § 102 Over Ting

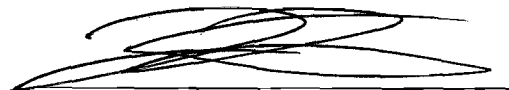
Claims 1-18 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Ting (U.S. Publication No. 2002/0174348).). To anticipate claims 1-18 under 35 U.S.C. § 102(e), Ting must disclose each and every element and limitation as set forth in the Applicants' claims. As amended, Applicants' claims include, among other limitations, executing an action that administers a device to alter the user's physical condition in response to an external stimulus. Ting merely discloses an authentication system that verifies whether a user is a registered user based on the user's biometric data. Ting's biometric authentication system, however, does not execute an action that administers a device to alter the user's physical condition. Because Ting does not disclose each and every element and limitation, Ting does not anticipate Applicants' claims, and the rejections should be withdrawn.

The Commissioner is hereby authorized to charge or credit Deposit Account No. 09-0447 for any fees required or overpaid

Respectfully submitted,

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